

Record to correct name of assignor and assignee, and to correct state of incorporation of assignee, on a document previously recorded at reel 2296, frame 788

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings

08-28-2001



U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

To the Honorable Commissioner of Pa.

101826413

original documents or copy thereof.

1. Name of conveying party(ies): Y-23-01 South Beach Beverage Company, LLC 5-14-01

- Individual(s) Association General Partnership Limited Partnership Corporation-State Other Connecticut Limited Liability Company

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance: Assignment Merger Security Agreement Change of Name Other Nunc Pro Tunc Assignment

Execution Date: 05/01/2001

2. Name and address of receiving party(ies) Name: South Beach Beverage Company, Inc. Internal Address:

Street Address: 40 Richards Avenue City: Norwalk State: CT Zip: 06854

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Delaware Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 75417667 75417678 75417669 75937834 75937835 76143944 76011389 75405552 76104693

B. Trademark Registration No.(s) 2414349 2182639 2345815 2153152 2256688 2076309 2065837 2175195 1883082 2465977

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James G. Coplit Internal Address: Grimes & Battersby

Street Address: P.O. Box 1311 TDIAZI 00000110 75417667

City: Stamford State: CT Zip: 06904-1311

6. Total number of applications and registrations involved: 19

7. Total fee (37 CFR 3.41): \$ 490.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number: 07-2162

DO NOT USE THIS SPACE

9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Russell D. Dize Name of Person Signing

Signature

8/17/01 Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

TRADEMARK REEL: 002356 FRAME: 0744

05-17-2001



101720093

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

New **5-14-01**

Resubmission (Non-Recordation)
Document ID #

Correction of PTO Error
Reel # Frame #

Corrective Document
Reel # Frame #

Conveyance Type

Assignment License

Security Agreement Nunc Pro Tunc Assignment

Merger

Change of Name

Other

Effective Date
Month Day Year
01052001

Conveying Party

Mark if additional names of conveying parties attached

Name Execution Date
Month Day Year **05012001**

Formerly

Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)
City State/Country Zip Code

Individual General Partnership Limited Partnership Association

Corporation Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

05/16/2001 10:42:11 00000074 75417667

FOR OFFICE USE ONLY

490E

01 FD:431 40.00 SP
02 FD:402 450.00 DP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

#

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text" value="75417667"/>	<input type="text" value="75417678"/>	<input type="text" value="75417669"/>	<input type="text" value="2182639"/>	<input type="text" value="2065837"/>	<input type="text" value="2414349"/>
<input type="text" value="75937834"/>	<input type="text" value="75937835"/>	<input type="text" value="76143944"/>	<input type="text" value="2076309"/>	<input type="text" value="2153152"/>	<input type="text" value="2256688"/>
<input type="text" value="76011389"/>	<input type="text" value="75405552"/>	<input type="text" value="76104693"/>	<input type="text" value="2345815"/>	<input type="text" value="2175195"/>	<input type="text" value="1883082"/>

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

Authorization to charge additional fees: Yes No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

George K. Lamb
Name of Person Signing

George K. Lamb
Signature

May 10, 2001
Date Signed

RECORDATION FORM COVER SHEET
CONTINUATION
TRADEMARKS ONLY

Conveying Party

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name

Formerly

Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship State of Incorporation/Organization

Receiving Party

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Individual General Partnership Limited Partnership

Corporation Association

Other

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Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

<input type="text" value="75417672"/>	<input type="text"/>	<input type="text"/>
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ASSIGNMENT

THIS AGREEMENT is entered into, *nunc pro tunc*, this 5th day of January, 2001 by and between ~~THE~~RD SOUTH BEACH BEVERAGE COMPANY, LLC, a Connecticut limited liability ~~corporation~~^{company} RD with offices at 40 Richards Avenue, Norwalk, Connecticut 06854 ("ASSIGNOR") and ~~THE~~RD SOUTH BEACH BEVERAGE COMPANY, INC., a ~~Connecticut~~^{Delaware} RD corporation with offices at 40 Richards Avenue, Norwalk, Connecticut 06854 ("ASSIGNEE").

WITNESSETH:

WHEREAS, ASSIGNOR is the sole and exclusive owner of the trademark applications and registrations for the marks identified more fully in the attached Schedule A (the "Trademarks"), and further is the sole and exclusive owner of all business goodwill related therewith; and

WHEREAS, ASSIGNEE desires to acquire all rights, title and interest in and to the Trademarks and all business goodwill related therewith;


NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and

transfers unto ASSIGNEE the full and exclusive entire right, title and interest in and to the Trademarks, and the business goodwill associated therewith, including, without limitation, all renewals therefor, all proceeds therefor (including, but not limited to, all license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements, and the good will of the business associated with and symbolized by the Trademarks.

IN WITNESS WHEREOF, this Assignment has been duly executed on this 15th day of May, 2001.

THE SOUTH BEACH BEVERAGE
COMPANY, LLC.

By: 
Name: Richard Mackean
Title: SM V.P.

Sworn and subscribed to before me
this 15th day of May, 2001.

Anne B. Fitzgerald
Notary Public

SCHEDULE A

TRADEMARK REGISTRATIONS

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
Bottle Design	2,182,639	August 18, 1998
DRAIN THE LIZARD	2,065,837	May 27, 1997
DRIVE	2,414,349	December 19, 2000
Lizard Design	2,076,309	July 1, 1997
SOBE	2,153,152	April 21, 1998
SOBE	2,256,688	June 29, 1999
SOBE	2,345,815	April 25, 2000
SOUTH BEACH	2,175,195	July 21, 1998
SOUTH BEACH BEER	1,883,082	March 7, 1995

TRADEMARK APPLICATIONS

<u>Mark</u>	<u>Serial No.</u>	<u>Filing Date</u>
ADRENALINE	75/417,667	January 14, 1998
ELIXIR	75/417,678	January 14, 1998
QI ESSENTIALS	75/417,669	January 14, 1998
SOBE	75/937,834	March 7, 2000
SOBE	75/937,835	March 7, 2000
SOBE	76/143,944	October 6, 2000
SOBE ICE	76/011,389	March 28, 2000
SOUTH BEACH	75/405,552	December 9, 1997
STINGER	76/104,693	August 7, 2000
WISDOM	75/417,672	January 14, 1998

ASSIGNMENT

THIS AGREEMENT is entered into, *nunc pro tunc*, this 5th day of January, 2001 by and between THE SOUTH BEACH BEVERAGE COMPANY, LLC, a Connecticut limited liability corporation with offices at 40 Richards Avenue, Norwalk, Connecticut 06854 ("ASSIGNOR") and THE SOUTH BEACH BEVERAGE COMPANY, INC., a Connecticut corporation with offices at 40 Richards Avenue, Norwalk, Connecticut 06854 ("ASSIGNEE").

WITNESSETH:

WHEREAS, ASSIGNOR is the sole and exclusive owner of the trademark applications and registrations for the marks identified more fully in the attached Schedule A (the "Trademarks"), and further is the sole and exclusive owner of all business goodwill related therewith; and

WHEREAS, ASSIGNEE desires to acquire all rights, title and interest in and to the Trademarks and all business goodwill related therewith;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and

transfers unto ASSIGNEE the full and exclusive entire right, title and interest in and to the Trademarks, and the business goodwill associated therewith, including, without limitation, all renewals therefor, all proceeds therefor (including, but not limited to, all license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements, and the good will of the business associated with and symbolized by the Trademarks.

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COMPANY, LLC.

By: 

Name: Richard Maclean

Title: SM V.P.

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Notary Public

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